

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL ACTION - LAW**

AAMCO TRANSMISSIONS, INC.	:	
Plaintiff,	:	
v.	:	
JAMES M. DUNLAP	:	No. 2:11-cv-04009-BMS
Defendants.	:	

**DECLARATION OF WARREN BEREST**

I, Warren Berest, an adult individual, being duly sworn, declare as follows:

1. I am Finance Coordinator for AAMCO Transmissions, Inc. ("ATT").
2. In August of 1998, I was Manager of Franchise Administration for ATI.
3. I am familiar with the history of Defendant James M. Dunlap as a franchisee of ATI.
4. As of August 31, 1998, Dunlap already had a long history of nonpayment and procedural noncompliance under his Franchise Agreement with ATI.
5. Along with a cover letter dated August 31, 1998, I provided a completely unsigned franchise agreement to Dunlap.
6. As stated in the cover letter, there were several other procedural items that ATI required Dunlap to successfully accomplish as part of the process to get the franchise agreement signed.
7. I have reviewed my file on this matter which includes letters, document, drafts and handwritten notes relating to this period of time. As a result of this review, and consistent with my best recollection, I am confident that Dunlap did not send back the franchise agreement or other documents I requested in my letter dated August 31, 1998.
8. Accordingly, and consistent with the foregoing, I am confident that ATI at no time ever executed the franchise agreement that I sent to Dunlap.

9. I declare under penalty of perjury that the foregoing statements are true and correct.

  
Warren Berest